IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 20221 of 2007(G)

PETITIONER:

1. B.PRASANNAKUMAR,
   DRILLER, DISTRICT OFFICE KOLLAM,
   GROUND WATER DEPARTMENT.

2. A.B.PUSHPADHARAN,
   DRILLER, DISTRICT OFFICE THRISSUR,
   GROUND WATER DEPARTMENT.

3. R.LALU,
   DRILLER, DISTRICT OFFICE KOTTAYAM,
   GROUND WATER DEPARTMENT.

BY ADV. SRI.G.G.MANOJ
SRI.JAICE JACOB
SRI.P.M.BENZIR

RESPONDENTS:

1. STATE OF KERALA,
   REPRESENTED BY THE SECRETARY TO GOVERNMENT,
   MINOR IRRIGATION DEPARTMENT,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. DIRECTOR, GROUND WATER DEPARTMENT,
   JALABHAVAN, AMBALAMUKKU, KAVADIYAR P.O.,
   THIRUVANANTHAPURAM.

3. A.NAJUMUDHEEN,
   DRILLER, DISTRICT OFFICE THIRUVANANTHAPURAM,
   GROUND WATER DEPARTMENT,
   THIRUVANANTHAPURAM.

4. K.M.CHANDHREN,
   DRILLER, DISTRICT OFFICE KOZHIKODE,
   GROUND WATER DEPARTMENT, CIVIL STATION COMPLEX,
   KOZHIKODE.

5. V.P.BALAKRISHNAN,
   DRILLER, DISTRICT OFFICE KANNUR,
   GROUND WATER DEPARTMENT, CIVIL STATION COMPLEX,
   KANNUR.

6. THULASIDHARAN PILLAI,
   DRILLER, DISTRICT OFFICE KOLLAM,
   GROUND WATER DEPARTMENT,
   STADIUM BUILDINGS, KOLLAM.

7. A.MOOSA,
DRILLER, DISTRICT OFFICE MALAPPURAM,
GROUND WATER DEPARTMENT, MEENANGADI, MALAPPURAM.

8. K.P.MOHANADASAN,
DRILLER, DISTRICT OFFICE MALAPPURAM.
GROUND WATER DEPARTMENT,
MEENANGADI, MALAPPURAM.

9. M.MAJEED,
DRILLER, DISTRICT OFFICE PATHANAMTHITTA,
GROUND WATER DEPARTMENT, PATHANAMTHITTA.

10. K.SASINDHARAN,
DRILLER, DISTRICT OFFICE KOZHIKODE,
GROUND WATER DEPARTMENT, CIVIL STATION COMPLEX,
KOZHIKODE.

11. G.SOMANATHA PILLA,
DRILLER, DISTRICT OFFICE ALAPUZHA,
GROUND WATER DEPARTMENT, PAZHAVEEDU P.O.,
ALAPPUZHA.

12. M.VIJAYAKUMAR,
DRILLER, DISTRICT OFFICE THIRUVANANTHAPURAM,
GROUND WATER DEPARTMENT, THIRUVANANTHAPURAM.

13. K.T.PUSHPAN,
DRILLER, DISTRICT OFFICE ERNAKULAM,
GROUND WATER DEPARTMENT, CIVIL STATION COMPLEX,
KAKKANAD.

14. P.ASHOKAN,
DRILLER, DISTRICT OFFICE KOLLAM,
GROUND WATER DEPARTMENT,
STADIUM BUILDINGS, KOLLAM.

15. JAMES MANUEL.C.M.,
DRILLER, DISTRICT OFFICE ERNAKULAM,
GROUND WATER DEPARTMENT, CIVIL STATION COMPLEX,
KAKKANAD.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C). No.20221 of 2007

Dated this the 2nd day of July, 2007.

JUDGMENT

The petitioners have approached this court challenging Ext.P8 proceedings and also the accompanying seniority list, Ext.P9, of Driller/Driller Mechanic as on 1.3.2005. As per the earlier seniority list, the petitioners were assigned seniority in the said cadre above respondents 3 to 15. The basis of preparation of the seniority list was the date of joining duty in the said post. But, recently, when the draft seniority list was published, several persons filed objections stating that seniority should be fixed with reference to the date of first effective advice as provided in Rule 27(c) of the Kerala State and Subordinate Services Rules. The said contention was upheld and the seniority list was revised basing on the date of advice, instead of the date of joining duty. The petitioners, who joined duty earlier, though juniors in the advice list, are aggrieved by the present re-arrangement of the seniority list. So, this writ petition is filed challenging Exts.P8 and P9.

2. The main ground of attack is that there is considerable delay in revising the seniority list and therefore, the petitioners are entitled to sit back.

3. The petitioners have raised only the above technical contention. On merits, they do not have any case. The Government themselves, at the time of finalisation of the list, have decided to correct the mistake committed by them. I think, this court is not justified in interfering with the said decision under Article 226 of the Constitution of India.

Accordingly, the writ petition fails and it is dismissed.

Sd/-

(K.BALAKRISHNAN NAIR)
JUDGE

sk/

//true copy//

P.S. To Judge